

thus overly broad and unduly burdensome. It may be impossible to locate “all” items or “each” item of responsive information to such discovery requests, or at this stage of the case to state “with particularity” each and every basis for each contention. It is improper by interrogatory to require the State to provide a narrative account of its case.

5. The State objects to the submission of contention interrogatories because such interrogatories are premature. Discovery is ongoing. The State requested documents from the Cargill entities on July 10, 2006, and received them only on December 5, 2006. The State has not yet had the time to review and analyze the documents produced. The State is engaged in determining the particular roles, acts and omissions of the Cargill defendants pertinent to the allegations of the First Amended Complaint. The State objects to supplying more than the principal and material facts supporting its allegations at this point. Pursuant to F.R.Civ.P. 33(c) full responses to all contention interrogatories should be deferred until discovery is completed.

6. The State objects to the extent that discovery sought is unreasonably cumulative or duplicative.

7. The State objects to these discovery requests to the extent that they do not state with the required degree of specificity and particularity what information is being sought. As such, such discovery requests are vague, indefinite, ambiguous and not susceptible to easily discernible meaning.

8. The state objects to these discovery requests to the extent that the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties resources, and the importance of the proposed discovery in resolving the issues.

9. The State objects to these discovery requests to the extent that they improperly attempt to

impose obligations on the State other than those imposed or authorized by the Federal Rules of Civil Procedure.

10. The State objects to the definitions of these discovery requests to the extent that they improperly attempt to alter the plain meaning of certain words, and expressly the State objects to the definition of “You” as including any municipality, employee, attorney, agent or other representative of the State.

11. By submitting these responses, the State does not acknowledge that the requested information is necessarily relevant or admissible. The State expressly reserves the right to object to further discovery into the subject matter of any information provided and to the introduction of such information into evidence. The State also reserves its right to supplement these responses as appropriate or as required by the Federal Rules of Civil Procedure.

Without waiving the foregoing objections, but hereby incorporating each of them by reference in the specific responses as if fully set forth therein, and subject thereto, the State further states and alleges as follows:

INTERROGATORY NO. 1: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶ 43 of Your Amended Complaint that any Cargill entity “so dominates and controls the actions and activities of its respective poultry growers that the relationship is not one of independent contractor, but rather one of employer and employee or one of principal and agent, and one of owner, operator or arranger of poultry waste under CERCLA” and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 1: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts

which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding "each Cargill entity at issue," the State understands that Cargill created Cargill Turkey in 2004 (organizational papers for Cargill Turkey LLC were filed with Arkansas Secretary of State on 5/20/04) and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response "with particularity" as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, integrated poultry production companies, like the Cargill entities, either raise birds themselves, or under contract arrangements with growers. In those instances in which the integrator contracts with growers, the integrator controls, via its contractual relationship and through representatives who make numerous periodic site visits to its respective poultry growers' operations to ensure compliance with its dictates regarding the care and handling of its birds. Growers have no opportunity to negotiate the essential terms of their contracts, which are contracts of adhesion.

The integrator supplies young birds to its respective growers and picks up the birds from its respective poultry growers when the birds reach the desired level of maturity. The integrator

maintains ownership of the birds throughout the process. The integrator formulates and provides feed to the contract growers. By its contracts, and grower manuals or other directives, the integrator dictates to the grower the type of buildings, equipment and other facilities to be used in the grower's operation, the feed to be fed to the birds in the grower's care, any feed supplements to be fed to the birds, the medications and vaccinations to be provided to the birds and the environmental conditions under which the birds are raised.

Cargill Inc. was a named defendant in *City of Tulsa v. Tyson et al*, Case No. 4:01-cv-00900 CVE-PJC. The *City of Tulsa Defendants* acknowledged that they deliver baby birds to their contract growers, provide feed and medication for the birds, provide suggestions to improve each contract grower's performance, and pick up the birds prior to processing. *City of Tulsa v. Tyson* summary judgment response brief at ¶ 1, p. 3. Dkt. No. 255, attached hereto as Exhibit 1. Cargill specifically admitted that it met with its contract growers on a regular basis to provide education, guidance, and best management practices on waste management and disposal practices. *City of Tulsa v. Tyson* summary judgment response brief at ¶ 26, p. 15.

The integrator is intimately involved in and controls each stage of the poultry growing process. The level of control by the integrator is such that Cargill so dominates and controls the actions and activities of its respective poultry growers that the relationship is not one of independent contractor, but rather one of employer and employee or one of principal and agent, and one of owner, operator or arranger of poultry waste under CERCLA.

Because the operations of the Cargill entities in the IRW inevitably create large amounts of waste, and the Cargill entities are legally responsible for waste created by their birds, the Cargill entities constitute owners of the waste, operators of facilities at which or from which waste was disposed, or arrangers of poultry waste by arranging for its disposal by growers or

others under CERCLA.

The State further directs the Cargill Turkey's attention to Oklahoma Attorney General Opinion, 2001 OK AG 17. Additionally, the legal basis for this allegation appears in the First Amended Complaint.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 2: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶¶ 13-14 of Your Amended Complaint that "[any Cargill entity]...is responsible for the poultry waste created by poultry growing operations, its handling and storage, and its disposal on lands within the IRW and the resultant injury to the biota, lands, waters and sediments therein" and identify every witness upon whom You will rely to establish fact.

RESPONSE TO INTERROGATORY NO. 2: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding "each Cargill entity at issue," the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on

December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, please see the Response to Interrogatory No. 1 regarding the responsibility of the Cargill entities for the waste created by their birds in the IRW. Additionally, because poultry waste “necessarily follows” from the “growing” of poultry, the Cargill entities are responsible for the nuisance and trespass created by waste generated by their birds. Restatement Second of Torts, § 427B. Cargill entities are responsible for the nuisance and trespass created by Land applying poultry waste at times and places in a manner which causes large quantities of soluble and particulate phosphorus, as well as bacteria, and other pollutants to be released from application sites which can travel by surface runoff within the IRW during and after rainfall. Litter is commonly piled in the open air without proper cover or flooring by Poultry Integrator Defendants or their growers in the IRW. The Defendants, including Cargill, have sufficient ongoing presence in the IRW to observe and know of this improper storage. Further, excessive application of poultry waste causes phosphorus and other pollutants to build up in the soil to such an extent that, even without any additional application of poultry waste to the land, the excess residual phosphorus and other pollutants will continue to run off and be released into the waters of the IRW in the future. Phosphorus transported to the waters and sediments of the IRW causes excessive algal growth, algal blooms, hypolimnetic anoxia and other adverse impacts in the waters of the IRW, resulting in eutrophication, a degradation in water quality and sediments, injury to biota and impaired uses. Bacteria from poultry waste creates a risk to human health when washed into the waters of the

IRW from land application sites. Other pollutants from poultry waste may also harm biota within the IRW. In further response to this interrogatory and pursuant to Fed.R.Civ.P. 33(d), information sought in this Interrogatory, and whose production is not objected herein, may be found within the business records being provided to Defendants in onsite agency productions. Additionally, the legal basis for this allegation appears in the First Amended Complaint.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 3: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶ 31 of Your Amended Complaint that “[any Cargill entity], by virtue of [its] improper poultry waste disposal practices, [is] responsible for this pollution of, as well as the degradation of, impairment of and injury to the IRW, including the biota, lands, waters and sediments therein” and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 3: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State’s counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding “each Cargill entity at issue,” the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State

requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, please see Responses to Interrogatories No. 1 and 2. In further response to this interrogatory and pursuant to Fed.R.Civ.P. 33(d), information sought in this Interrogatory, and whose production is not objected herein, may be found within the business records being provided to Defendants in onsite agency productions. Additionally, the legal basis for this allegation appears in the First Amended Complaint.

Because discovery is ongoing, the State does not presently know which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 4: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶ 44 of Your Amended Complaint that any Cargill entity “[knew] and had any reason to know that in the ordinary course of the poultry growers raising birds in the usual and prescribed manner poultry waste will be handled and disposed of in such a manner to cause injury to the IRW, including the biota, lands, waters and sediments therein...” and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 4: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State’s counsel, expert consultants, or agents,

which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding “each Cargill entity at issue,” the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, the Court in *City of Tulsa v. Tyson, et al.* 258 F.Supp. 2d, 1253, 1296 (N.D. Okl. 2003) found that, “[a]lthough Poultry Defendants cite other sources of phosphorus in the Watershed, they admit in their response brief that they were aware in the 1990s that “phosphorus presented potential problems to the Watershed” and, therefore, attempted to address the problem by educating their growers regarding better litter management. Given these admissions, the Court finds Poultry Defendants had “reason to recognize that, in the ordinary course of [the growers] doing the work in the usual or prescribed manner, the trespass or nuisance is likely to result.” Cargill was a defendant in the *City of Tulsa* case. In the response brief in question, the *City of Tulsa* defendants, including Cargill, admitted that they became aware of the environmental impact of phosphorous in poultry waste in “approximately the mid-1990s.” Dkt. No. 255, Case No. 4:01-cv-00900-CVE-PJC, attached hereto as Exhibit 1 at ¶ 4, p. 4. No material difference exists between the polluting

results of land application of poultry waste in the Eucha-Spavinaw watershed, which was the subject of the *City of Tulsa* case, and that of the IRW. Particularly as regards phosphorus and bacteria, it has long been understood in academic and industry circles that land application of wastes can lead to the environmental harms which are the subject of this suit. In further response to this interrogatory and pursuant to Fed.R.Civ.P. 33(d), information sought in this Interrogatory, and whose production is not objected herein, may be found within the business records being provided to Defendants in onsite agency productions. Additionally, the legal basis for this allegation appears in the First Amended Complaint.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 5: Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 48 that any Cargill entity “has long known that it has been and continues to be the practice to routinely and repeatedly improperly store the poultry waste generated in the course of its respective growing operations on lands within the IRW” and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 5: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State’s counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding “each Cargill entity at issue,” the State

understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, the State refers Cargill to its response to interrogatories Nos. 1-4.

Because discovery is ongoing, the State does not presently know which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 6: Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegations in Your Amended Complaint at ¶ 50 that any Cargill entity “has long known that the application of poultry waste to lands within the IRW, in the amounts that it is applied, is in excess of any agronomics need and is not consistent with good agricultural practices and, as such, constitutes waste disposal rather than any normal or appropriate application of fertilizer” and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 6: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State’s counsel, expert consultants, or agents,

which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding “each Cargill entity at issue,” the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, see Response to Interrogatory No. 4. In addition, based on ODAFF inspector soil test results of poultry operations in the summer and fall of 2002 in several counties of Oklahoma in the scenic river watersheds, and an STP threshold of 120 pounds per acre, the Secretary of the Environment has determined that 77% of sites tested exceeded an STP of 120, and 33% of samples exceeded an STP of 300. See SB 972 report, attached hereto, at p. 12-13. Soil nutrient experts at both Oklahoma State University and the University of Arkansas agree that an STP level greater than 65 to 100 is of no value to crops. SB 972 report at p. 3. Phosphorus applied to land in excess of these agronomic needs does not cause the growth of more or better plants, and thus is no longer “fertilizer” in any sense, but is, instead, waste disposal. These findings merely mirror what has long been understood in academic and industry circles about the effect of over application of poultry waste on STP and the agronomic needs of crops and forage. In further response to this interrogatory

and pursuant to Fed.R.Civ.P. 33(d), information sought in this Interrogatory, and whose production is not objected herein, may be found within the business records being provided to Defendants in onsite agency productions.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 7: Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 52 that any Cargill entity “has long known that these poultry waste disposal practices lead to the run-off and release of large quantities of phosphorus and other hazardous substances, pollutants and contaminants in the poultry waste onto and from the fields and into the waters of the IRW” and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 7: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State’s counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding “each Cargill entity at issue,” the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents

produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, see Response to Interrogatory No. 4.

Because discovery is ongoing, the State does has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 8: Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation in Your Amended Complaint at ¶ 58 that any Cargill entity “has long known that poultry waste contains a number of constituents that can and do cause harm to the environment and pose human health hazards” and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 8: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State’s counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding “each Cargill entity at issue,” the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State

requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, see Responses to Interrogatories Number 4 and 15.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 9: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation in ¶ 56 of Your Amended Complaint that any Cargill entity’s “poultry waste disposal practices are not, and have not been, undertaken in conformity with federal and state laws and regulations” and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 9: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State’s counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. Paragraph 56 of the First Amended Complaint merely refers to other paragraphs of the First Amended Complaint which allege violations of state and federal laws and regulations. The State objects because this interrogatory is unduly burdensome and is a contention interrogatory that asks the State to essentially state the factual and legal basis for its entire lawsuit. Additionally, the legal basis for

this allegation appears in the First Amended Complaint.

As regards the request for information regarding “each Cargill entity at issue,” the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 10: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in Counts 1 and 2 of Your Amended Complaint that any Cargill entity violated CERCLA and identify every witness upon whom you will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 10: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State’s counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State objects because this interrogatory is unduly burdensome and is a contention interrogatory that asks the State essentially to state the factual and legal basis for two entire counts of its lawsuit. Additionally, the legal basis for this allegation appears in the First Amended Complaint.

As regards the request for information regarding “each Cargill entity at issue,” the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, the State refers Cargill to the State’s responses in Interrogatories Nos. 1-3. Furthermore, the State restates and incorporates its allegations in the States First Amended Complaint Counts 1 and 2.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 11: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in Count 3 of Your Amended Complaint that any Cargill entity violated the Solid Waste Disposal Act and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 11: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State’s counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State objects because

this interrogatory is unduly burdensome and is a contention interrogatory that asks the State to essentially state the factual and legal basis for an entire count of its lawsuit. Additionally, the legal basis for this allegation appears in the First Amended Complaint.

As regards the request for information regarding “each Cargill entity at issue,” the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, the State refers Cargill to the State’s responses in Interrogatories Nos. 1-3. Furthermore, the State restates and incorporates its allegations in the States First Amended Complaint Count 3.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 12: Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation contained in ¶ 95 of Your Amended Complaint that “[a]n imminent and substantial endangerment to health or the environmental may be presented and is in fact presented as a direct and proximate result of [any Cargill entity’s] respective contribution to the handling, storage, treatment, transportation or disposal of poultry waste in the IRW and lands and waters therein” and identify every witness upon whom You will

rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 12: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding "each Cargill entity at issue," the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response "with particularity" as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, please see the response to Interrogatory No. 15 below, which relates to the same topic. In further response to this interrogatory and pursuant to Fed.R.Civ.P. 33(d), information sought in this Interrogatory, and whose production is not objected herein, may be found within the business records being provided to Defendants in onsite agency productions

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 13: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in Count 4 of Your Amended Complaint that the conduct and acts of any Cargill entity constitute a nuisance under Oklahoma law (including, but not limited to, an alleged violation of 27A Okla. Stat. § 2-6-105 or 2 Okla. Stat. § 2-18.1) and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 13: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding "each Cargill entity at issue," the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response "with particularity" as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, see Response to Interrogatory No. 2 regarding pollution of the waters resulting from land application of poultry litter and the Cargill entity's responsibility for it. One of the statutes inquired about, 2 Okla. Stat. § 2-18.1,

makes it unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, land or waters of the state. Any such action is hereby declared to be a public nuisance. Cargill has placed waste or caused waste to be placed in locations throughout the IRW where it is likely to cause pollution of the land or waters of the state and, in fact, does cause pollution of land and waters of the state. Similarly, 27A Okla. Stat. § 2-6-105 is violated when persons cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, land or waters of the state. Any such action is hereby declared to be a public nuisance. The Poultry Integrator Defendants are directly responsible for any of their own operations within Oklahoma which pollute the land and water, and are legally responsible for the operations of their contract growers which do so. Additionally, the legal basis for this allegation appears in the First Amended Complaint.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 14: Separately for each Cargill entity at issue, state completely and in detail the facts upon which you base the allegation contained in Count 5 of Your Amended Complaint that the conduct and acts of any Cargill entity constitutes a nuisance under federal law and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 14: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds

that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding “each Cargill entity at issue,” the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, with regard to Count 5, the birds owned by the Poultry Integrator Defendants create large amounts of waste annually, which the Poultry Integrator Defendants do not properly store or dispose of, but instead leave waste in circumstances in which it is inevitable that the waste, and its constituents, will migrate to the lands, soil, water and sediments of the Oklahoma portion of the IRW. The constituents of that waste, including but not limited to phosphorus and bacteria, making their way to the lands, soil, water and sediments of the Oklahoma portion of the IRW cause an unreasonable invasion of, impairment to, interference with, inconvenience, annoyance, and injury to the land, soil, water and sediments of the Oklahoma portion of the IRW. At a minimum, the improper waste disposal practices of the Poultry Integrator Defendants create a situation in which a nuisance necessarily follows from the work of the industry’s contract growers. The Poultry Integrator Defendants have reason to recognize that, in the ordinary course of doing the work of growing their poultry in the usual or prescribed manner, a nuisance is likely to result. The Poultry Integrator

Defendants have been aware of the substantial and unnecessary risk of nuisance to the State and that their improper waste disposal practices will cause injury to the State, and did not care that such injury would result. Consequently, they have acted recklessly and intentionally. With knowledge that a nuisance would likely result, the Poultry Integrator Defendants have acted unreasonably in the face of the fact that their conduct would cause serious harm to the State of Oklahoma. In further response to this interrogatory and pursuant to Fed.R.Civ.P. 33(d), information sought in this Interrogatory, and whose production is not objected herein, may be found within the business records being provided to Defendants in onsite agency productions.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 15: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in ¶¶ 100, 112, 113, 115 of Your Amended Complaint that any Cargill entity has caused and is causing “unreasonable and substantial danger to the public’s health and safety” in the Illinois River Watershed and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 15: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State’s counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding “each Cargill entity at issue,” the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry

operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response “with particularity” as to each Cargill entity.

The State notes that ¶ 110 does not explicitly refer to health and safety issues, but refers to injuries more generally. To the extent that health and safety risks are encompassed within those injuries, and with regard to the other paragraphs enquired about, and subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, the Poultry Integrator Defendants’ improper waste disposal practices allow large amounts of bacteria from poultry waste to enter waters of the State. Phosphorus transported from the land application sites causes algae to grow in the waters of the IRW. It has long been understood in academic and industry circles that poultry waste contains bacteria and that nutrients in water increases levels of algae which causes the formation of disinfection byproducts in drinking water. In further response to this interrogatory and pursuant to Fed.R.Civ.P. 33(d), information sought in this Interrogatory, and whose production is not objected herein, may be found within the business records being provided to Defendants in onsite agency productions. Additionally, the legal basis for this allegation appears in the First Amended Complaint.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 16: Separately for each Cargill entity at issue, state with

particularity the factual and legal basis for the allegation contained in Count 6 of Your Amended Complaint that any Cargill entity has committed trespass under applicable state law and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 16: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding "each Cargill entity at issue," the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response "with particularity" as to each Cargill entity.

Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, with regard to Count 6, the birds owned by the Poultry Integrator Defendants create large amounts of waste annually, which the Poultry Integrator Defendants do not properly store or dispose of, but instead leave that waste in circumstances in which it is inevitable that waste, and its constituents, will migrate to the lands, soil, water and sediments of the Oklahoma portion of the IRW. The constituents of that

waste, including but not limited to phosphorus and bacteria, making their way to the lands, soil, water and sediments of the Oklahoma portion of the IRW cause an unauthorized, actual and physical invasion of, and interference with, the land, soil, water and sediments of the Oklahoma portion of the IRW to which the State holds an interest in, or over which the State acts as trustee. At a minimum, the improper waste disposal practices of the Poultry Integrator Defendants create a situation in which a trespass necessarily follows. The Poultry Integrator Defendants have reason to recognize that, in the ordinary course of doing the work of growing their poultry in the usual or prescribed manner, a trespass is likely to result. The Poultry Integrator Defendants have been aware of the substantial and unnecessary risk of trespass to the State and that their improper waste disposal practices will cause injury to the State, and did not care that such injury would result. Consequently, they have acted recklessly and intentionally. With knowledge that a trespass would likely result, the Poultry Integrator Defendants have acted unreasonably in the face of the fact that their conduct would cause serious harm to the State of Oklahoma. In further response to this interrogatory and pursuant to Fed.R.Civ.P. 33(d), information sought in this Interrogatory, and whose production is not objected herein, may be found within the business records being provided to Defendants in onsite agency productions. Additionally, the legal basis for this allegation appears in the First Amended Complaint.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

INTERROGATORY NO. 17: Separately for each Cargill entity at issue, state with particularity the factual and legal basis for the allegation contained in Count 8 of Your Amended Complaint that any Cargill entity violated 2 Okla. Stat. § 10-9.7 and Oklahoma Administrative Code § 35:17-5-5 and identify every witness upon whom You will rely to establish each fact.

RESPONSE TO INTERROGATORY NO. 17: The State incorporates its general objections set forth herein, and the State further objects to the extent that this interrogatory seeks facts which are protected by attorney client privilege, work product protection, or which have been prepared in anticipation of litigation or trial by the State's counsel, expert consultants, or agents, which have not yet been identified as testifying experts in this matter. The State further responds that this interrogatory is unduly burdensome and is a premature contention interrogatory.

As regards the request for information regarding "each Cargill entity at issue," the State understands that Cargill created Cargill Turkey in 2004 and transferred some or all of its poultry operations in the IRW to it thereafter. The State is investigating the relationship between Cargill and Cargill Turkey, and the particular activities of each of the Cargill entities. The State requested documents relevant to this relationship on July 10, 2006 and only received them on December 5, 2006, and has not had an opportunity to review and analyze the documents produced. Therefore, it cannot at present state its response "with particularity" as to each Cargill entity.

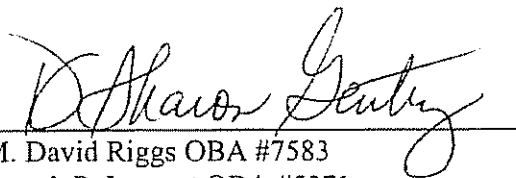
Subject to and without waiving the foregoing objections, as a general matter, subject to ongoing discovery of the particulars relevant to the Cargill entities, see Responses to Interrogatories Numbered 1 and 2 for the basis of the responsibility of the Poultry Integrator Defendants for poultry waste generated by their birds. The improper waste disposal practices of the Poultry Integrator Defendants, described in the First Amended Complaint and in the responses to Cargill and Cargill Turkey interrogatories, violate 2 Okla.Stat. § 10-9.7 by allowing the discharge or runoff of poultry waste to the waters of the state, by storing waste not isolated from outside surface draining by ditches, dikes, berms, terraces or other such structures, by creating an environmental or public health hazard, by operating in a way resulting in the

contamination of the waters of the state, by failing to provide controls for runoff and erosion as appropriate for site conditions, by failing to prohibit discharge or runoff of poultry waste from the application site, and by land applying at times and places in a manner which has caused the runoff of poultry waste. The improper waste storage and disposal practices of the Poultry Integrator Defendants, described in the First Amended Complaint and in the responses to Cargill and Cargill Turkey interrogatories, violate Oklahoma Administrative Code § 35:17-5-5 by failing to ensure that poultry waste is not stored without adequate protection from rainfall and runoff, land applying at appropriate times and rates, and by failing to prohibit the discharge and runoff of poultry waste from the application site. Additionally, the legal basis for this allegation appears in the First Amended Complaint.

Because discovery is ongoing, the State has not determined which witnesses it will use to support its claims referenced in this interrogatory.

Respectfully Submitted,

W.A. Drew Edmondson OBA # 2628
Attorney General
Kelly H. Burch OBA #17067
J. Trevor Hammons OBA #20234
Robert D. Singletary OBA #19220
Assistant Attorneys General
State of Oklahoma
2300 North Lincoln Boulevard, Suite 112
Oklahoma City, OK 73105
(405) 521-3921



M. David Riggs OBA #7583
Joseph P. Lennart OBA #5371
Richard T. Garren OBA #3253
Douglas A. Wilson OBA #13128
Sharon K. Weaver OBA #19010
Robert A. Nance OBA #6581
D. Sharon Gentry OBA #15641
Riggs, Abney, Neal, Turpen,
Orbison & Lewis
502 West Sixth Street
Tulsa, OK 74119
(918) 587-3161

James Randall Miller, OBA #6214
David P. Page, OBA #6852
Louis Werner Bullock, OBA #1305
Miller Keffer & Bullock
222 S. Kenosha
Tulsa, Ok 74120-2421
(918) 743-4460

Frederick C. Baker
(admitted *pro hac vice*)
Elizabeth C. Ward
(admitted *pro hac vice*)
Lee M. Heath
(admitted *pro hac vice*)
Elizabeth Claire Xidis
(admitted *pro hac vice*)
Motley Rice, LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
(843) 216-9280

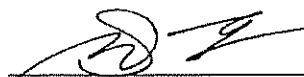
William H. Narwold
(admitted *pro hac vice*)
Motley Rice, LLC
20 Church Street, 17th Floor
Hartford, CT 06103
(860) 882-1676

Attorneys for the State of Oklahoma

VERIFICATION

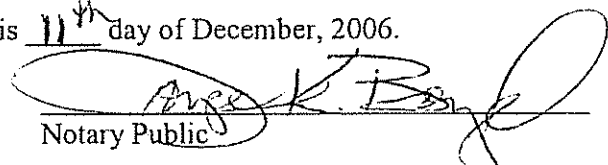
STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

I, Miles Tolbert, being of legal age, hereby depose and state that I have read that foregoing responses to interrogatories and that they are true and correct, to the best of my knowledge and belief, and that I furnish such responses based on consultation with representatives of the State of Oklahoma based on documents identified as of the date of this response.

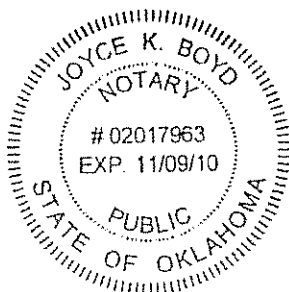


Miles Tolbert
Secretary of the Environment
State of Oklahoma

Signed and subscribed to before me on this 11th day of December, 2006.



Notary Public



CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of December, 2006, I electronically transmitted the attached document to the following:

- **Jo Nan Allen** - jonanallen@yahoo.com bacaviola@yahoo.com
- **Robert Earl Applegate** - hm@holdenokla.com rapplegate@holdenokla.com
- **Frederick C Baker** - fbaker@motleyrice.com, mcarr@motleyrice.com, fhmorgan@motleyrice.com
- **Tim Keith Baker** - tbakerlaw@sbcglobal.net
- **Sherry P Bartley** - sbartley@mwsgw.com jdavis@mwsgw.com
- **Michael R. Bond** - Michael.Bond@kutakrock.com
- **Douglas L Boyd** - dboyd31244@aol.com
- **Vicki Bronson** - vbronson@cwlaw.com lphillips@cwlaw.com
- **Paula M Buchwald** - pbuchwald@ryanwhaley.com
- **Louis Werner Bullock** - lbullock@mkblaw.net, nhodge@mkblaw.net, bdejong@mkblaw.net
- **Michael Lee Carr** - hm@holdenokla.com mcarr@holdenokla.com
- **Bobby Jay Coffman** - bcoffman@loganlowry.com
- **Lloyd E Cole, Jr** - colelaw@alltel.net, gloriaeubanks@alltel.net; amy_colelaw@alltel.net
- **Angela Diane Cotner** - AngelaCotnerEsq@yahoo.com
- **Reuben Davis** - rdavis@boonesmith.com
- **John Brian DesBarres** - mjbdb@msn.com JohnD@wcalaw.com
- **W A Drew Edmondson** - fc_docket@oag.state.ok.us
drew_edmondson@oag.state.ok.us; suzy_thrash@oag.state.ok.us.
- **Delmar R Ehrich** - dehrich@faegre.com, etriplett@faegre.com, qsperrazza@faegre.com
- **John R Elrod** - jelrod@cwlaw.com vmorgan@cwlaw.com
- **William Bernard Federman** - wfederman@aol.com, law@federmanlaw.com, ngb@federmanlaw.com
- **Bruce Wayne Freeman** - bfreeman@cwlaw.com lclark@cwlaw.com
- **Ronnie Jack Freeman** - jfreeman@grahamfreeman.com
- **Richard T Garren** - rgarren@riggsabney.com dellis@riggsabney.com
- **Dorothy Sharon Gentry** - sgentry@riggsabney.com jzielinski@riggsabney.com
- **Robert W George** - robert.george@kutakrock.com sue.arens@kutakrock.com
- **Tony Michael Graham** - tgraham@grahamfreeman.com
- **James Martin Graves** - jgraves@bassettlawfirm.com
- **Michael D Graves** - mgraves@hallestill.com, jspring@hallestill.com, smurphy@hallestill.com
- **Jennifer Stockton Griffin** - jgriffin@lathropgage.com
- **Carrie Griffith** - griffithlawoffice@yahoo.com
- **John Trevor Hammons** - thammons@oag.state.ok.us
Trevor_Hammons@oag.state.ok.us, Jean_Burnett@oag.state.ok.us
- **Michael Todd Hembree** - hembreeawl@aol.com traesmom_mdl@yahoo.com
- **Theresa Noble Hill** - thillcourts@rhodesokla.com mnave@rhodesokla.com

- **Philip D Hixon** - Phixon@jpm-law.com
- **Mark D Hopson** - mhopson@sidley.com joraker@sidley.com
- **Kelly S Hunter Burch** - fc.docket@oag.state.ok.us
kelly_burch@oag.state.ok.us;jean_burnett@oag.state.ok.us
- **Thomas Janer** - SCMJ@sbcglobal.net, tjaner@cableone.net, lanaphillips@sbcglobal.net
- **Stephen L Jantzen** - sjantzen@ryanwhaley.com
mantene@ryanwhaley.com;loelke@ryanwhaley.com
- **Mackenzie Lea Hamilton Jessie** - maci.tbakerlaw@sbcglobal.net
tbakerlaw@sbcglobal.net;macijessie@yahoo.com
- **Bruce Jones** - bjones@faegre.com
dybarra@faegre.com;jntermill@faegre.com;cdolan@faegre.com
- **Jay Thomas Jorgensen** - jjorgensen@sidley.com
- **Krisann C. Kleibacker Lee** - kkleee@faegre.com mlokken@faegre.com
- **Derek Stewart Allan Lawrence** - hm@holdenokla.com dlawrence@holdenokla.com
- **Raymond Thomas Lay** - rtl@kiralaw.com dianna@kiralaw.com;niccilay@cox.net
- **Nicole Marie Longwell** - Nlongwell@jpm-law.com lwaddel@jpm-law.com
- **Dara D Mann** - dmann@faegre.com kolmscheid@faegre.com
- **Teresa Brown Marks** - teresa.marks@arkansasag.gov dennis.hansen@arkansasag.gov
- **Linda C Martin** - lmartin@dsda.com mschooling@dsda.com
- **Archer Scott McDaniel** - Smcdaniel@jpm-law.com jwaller@jpm-law.com
- **Robert Park Medearis, Jr** - medearislawfirm@sbcglobal.net
- **James Randall Miller** - rmiller@mkblaw.net
smilata@mkblaw.net;clagrone@mkblaw.net
- **Charles Livingston Moulton** - Charles.Moulton@arkansasag.gov
Kendra.Jones@arkansasag.gov
- **Robert Allen Nance** - rnance@riggsabney.com jzielinski@riggsabney.com
- **William H Narwold** - bnarwold@motleyrice.com
- **John Stephen Neas** - steve_neas@yahoo.com
- **George W Owens** - gwo@owenslawfirmmpc.com ka@owenslawfirmmpc.com
- **David Phillip Page** - dpage@mkblaw.net smilata@mkblaw.net
- **Michael Andrew Pollard** - mpollard@boonesmith.com kmiller@boonesmith.com
- **Marcus N Ratcliff** - mratcliff@lswsl.com sshanks@lswsl.com
- **Robert Paul Redemann** - rredemann@pmrlaw.net scouch@pmrlaw.net
- **Melvin David Riggs** - driggs@riggsabney.com pmurta@riggsabney.com
- **Randall Eugene Rose** - rer@owenslawfirmmpc.com ka@owenslawfirmmpc.com
- **Patrick Michael Ryan** - pryan@ryanwhaley.com
jmickle@ryanwhaley.com;amcpherson@ryanwhaley.com
- **Laura E Samuelson** - lsamuelson@lswsl.com lsamuelson@gmail.com
- **Robert E Sanders** - rsanders@youngwilliams.com
- **David Charles Senger** - dsenger@pmrlaw.net scouch@pmrlaw.net;shardin@pmrlaw.net
- **Jennifer Faith Sherrill** - jfs@federmanlaw.com
law@federmanlaw.com;ngb@federmanlaw.com
- **Robert David Singletary** - fc_docket@oag.state.ok.us
robert_singletary@oag.state.ok.us;jean_burnett@oag.state.ok.us
- **Michelle B Skeens** - hm@holdenokla.com mskeens@holdenokla.com
- **William Francis Smith** - bsmith@grahamfreeman.com

- **Monte W. Strout** – strout@xtremeinet.net
- **Colin Hampton Tucker** – chtucker@rhodesokla.com, scottom@rhodesokla.com
- **John H. Tucker** – jtuckercourts@rhodesokla.com, mbryce@rhodesokla.com
- **Kenneth Edward Wagner** – kwagner@lswsl.com, sshanks@lswsl.com
- **David Alden Walls** – wallsd@wwhlaw.com, burnett@wwhlaw.com
- **Elizabeth C. Ward** – lward@motleyrice.com
- **Sharon K. Weaver** – sweaver@riggsabney.com, lpearson@riggsabney.com
- **Timothy K. Webster** – twebster@sidley.com, jwedeking@sidley.com, ahomer@sidley.com
- **Terry Wayen West** – terry@thewestlawfirm.com
- **Dale Kenyon Williams, Jr.** – kwilliams@hallestill.com, jspring@hallestill.com, smurphy@hallestill.com
- **Edwin Stephen Williams** – steve.williams@youngwilliams.com
- **Douglas Allen Wilson** – Doug_Wilson@riggsabney.com, jsummerlin@riggsabney.com
- **J Ron Wright** - ron@wsfw-ok.com susan@wsfw-ok.com
- **Lawrence W Zeringue** - lzingue@pmrlaw.net scouch@pmrlaw.net

I hereby certify that on this 11th day of December, 2006, I served the foregoing document by U.S. Postal Service on the following:

Jim Bagby

RR 2, Box 1711
Westville, OK 74965

Gordon W. and Susann Clinton

23605 S Goodnight Ln
Welling, OK 74471

Eugene Dill

P.O. Box 46
Cookson, OK 74424

Marjorie Garman

5116 Highway 10
Tahlequah, OK 74464

Thomas C Green

Sidley Austin Brown & Wood LLP
1501 K ST NW
Washington, DC 20005

Lee M. Heath

Motley Rice LLC (Mount Pleasant)
28 Bridgeside Boulevard
Mount Pleasant, SC 29464

G Craig Heffington
20144 W Sixshooter Rd
Cookson, OK 74427

Cherrie House and William House
P.O. Box 1097
Stilwell, OK 74960

John E. and Virginia W. Adair Family Trust
Rt 2 Box 1160
Stilwell, OK 74960

Dorothy Gene Lamb and James Lamb
Route 1, Box 253
Gore, OK 74435

Jerry M Maddux
Selby Connor Maddux Janer
P.O. Box Z
Bartlesville, OK 74005_5025

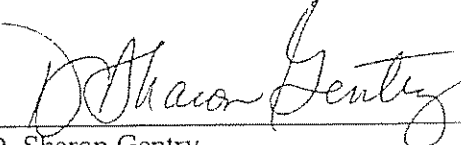
Doris Mares
P.O. Box 46
Cookson, OK 74424

Donna S Parker and Richard E. Parker
34996 S. 502 Rd
Park Hill, OK 74451

C Miles Tolbert
Secretary of the Environment
State of Oklahoma
3800 North Classen
Oklahoma City, OK 73118

Robin L. Wofford
Rt 2, Box 370
Watts, OK 74964

Elizabeth Claire Xidis
Motley, Rice, LLC (Mount Pleasant)
28 Bridgeside Blvd.
Mount Pleasant, SC 29464


D. Sharon Gentry